



**THE ATTORNEY GENERAL  
OF TEXAS**

**AUSTIN 11, TEXAS**

**JOHN BEN SHEPPERD  
ATTORNEY GENERAL**

March 31, 1953

Hon. G. Dixon Mahon  
County Attorney  
Crockett County  
Ozona, Texas

Letter Opinion No. MS-12

Re: Fees permitted the County Attorney  
of Crockett County for prosecution,  
or assisting the District Attorney  
in prosecution, of felony cases be-  
fore the District Court.

Dear Sir:

You have asked us, in substance, the following ques-  
tion:

What fee is permitted the County Attorney  
of Crockett County for prosecution, or assisting  
the District Attorney in prosecution, of felony  
cases before the District Court?

The duties of County Attorneys are prescribed in Ar-  
ticle 26, Vernon's Code of Criminal Procedure, which provides  
in part as follows:

"The county attorneys shall attend the terms  
of all courts in his county below the grade of  
district court, and shall represent the State in  
all criminal cases under examination or prosecu-  
tion in said county; and in the absence of the  
district attorney he shall represent the State  
alone, or when requested, shall aid the district  
attorney in the prosecution of any case in behalf  
of the State in the district court, and in such  
cases he shall receive all or one-half of the fees  
allowed by law to district attorneys, according as  
he acted alone or jointly . . ."

In construing the above provisions of Article 26 it  
was held in Attorney General's Opinion V-272 (1947):

". . . the County Attorney of Camp County  
is required to assist in the prosecution of cases  
in the District Court, when requested by the Dis-  
trict Attorney; and further, since District Attor-  
neys are no longer compensated on a fee basis, but  
by the payment of an annual salary, and the Legis-  
lature has made no provision for compensating the

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County Attorney who assists the District Attorney in the prosecution of cases in the District Court by apportioning to him a part of the salary to be paid to the District Attorney, it follows that the County Attorney is not entitled to compensation for such services rendered."

Therefore, we agree with your conclusion that no fee is permitted the County Attorney of Crockett County for prosecution, or assisting the District Attorney in prosecution, of felony cases before the District Court.

A copy of Attorney General's Opinion V-272 (1947) is herewith enclosed.

Yours very truly,

JOHN BEN SHEPPERD  
Attorney General

By  
Sam C. Ratliff  
Assistant

SCR:am:wb

Encl.